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Foreigners, Immigrants and Persons with a ‘Migration Background.’

What kind of official data are needed in Germany?

Jennifer Elrick, M.A.

1 Background

Just as long-time denial of the immigration situation in Germany prevented the development of coherent immigration and integration policies, it also prevented the development of official statistics designed to capture and evaluate the phenomenon (Sachverständigenrat für Zuwanderung und Integration 2004: 395).¹ As a result, analysts have been forced to bring together information from a variety of different official sources. There is an array of official sources that can provide aggregate and individual level data on Germany’s foreign population. These include: the population update (*Bevölkerungsfortschreibung*); the local registration offices (*Einwohnermeldeämter*); municipal registries of births, marriages and deaths (*Standesämter*); the Central Foreigners Register (*Ausländerzentralregister* – AZR); the German microcensus (*Mikrozensus*); state and federal education statistics (*Schulstatistik*); professional training statistics (*Berufsbildungsstatistik*); university statistics (*Hochschulstatistik*); statistics on student financial support; statistics on employees (*Beschäftigtenstatistik*); unemployment statistics; statistics on social security recipients and criminal statistics (Diehl and Haug 2003: 752-756). The coordination of many of these statistics is done by the Federal Statistical Office; it receives the aggregate register-based data from the Regional Statistical Offices that maintain all registers every month, and from the AZR at the end of each calendar year.

Despite the variety of sources, criticism has been mounting among researchers and experts in Germany, who are dissatisfied with both the content and form of the information available to them. The primary source of discontent is the fact that only the foreign population is identified, and not the ‘immigrants’ (*Zuwanderer*) and persons with a ‘migration background’ (*Migrationshintergrund*) that are of interest for research and policy formation (see use of these terms in Ministerium für Arbeit und Soziales Qualifikation und Technologie des Landes NRW (MASQT) 2000: 8; Salentin and Wilkening 2003: 278; Härle 2004: 16; Wissenschaftszentrum Berlin 2004). In the absence of a means of identifying the international migrant population and people with a ‘migrant background’, the number of foreign citizens legally residing in the country has to serve as a proxy for the number of international migrants.

1 Der Aufsatz ist die schriftliche Fassung meines Referates auf der Tagung „Neue Ideen für das Einwanderungsland Deutschland“ vom 7.-8.4.2005, die vom Landeszentrum für Zuwanderung NRW, dem Institut für Politikwissenschaft der Universität Münster in Kooperation mit dem Arbeitskreis „Migrationspolitik“ der Deutschen Vereinigung für Politische Wissenschaft (DVPW) und der Akademie Franz Hitze Haus in Münster durchgeführt wurde.

2 Problems with using statistics on the foreign population for research and policy-development

Despite the variety of sources, criticism has been mounting among researchers and experts in Germany, who are dissatisfied with both the content and form of the information available to them. The primary source of discontent is the fact that only the foreign population is identified, and not the 'immigrants' (*Zuwanderer*) and persons with a 'migration background' (*Migrationshintergrund*) that are of interest for research and policy formation (see use of these terms in Ministerium für Arbeit und Soziales Qualifikation und Technologie des Landes NRW (MASQT) 2000: 8; Salentin and Wilkening 2003: 278; Härle 2004: 16; Wissenschaftszentrum Berlin 2004). In the absence of a means of identifying the international migrant population and people with a 'migrant background', the number of foreign citizens legally residing in the country has to serve as a proxy for the number of international migrants. In such a system, migrants who obtain citizenship upon arrival or thereafter are no longer counted as migrants, whereas children born in the host country to migrants may be counted as such, even if they have never migrated. Thus it is argued that this population cannot be equated with the stock of resident international migrants and their descendants that is the intended target of integration policies (see Ministerium für Arbeit und Soziales Qualifikation und Technologie des Landes NRW (MASQT) 2000; Unabhängige Kommission 'Zuwanderung' 2001; Beck-Gernsheim 2002; Münz and Ulrich 2003; Salentin and Wilkening 2003; Currle and Rühl 2004; Härle 2004; Sachverständigenrat für Zuwanderung und Integration 2004; Wissenschaftszentrum Berlin 2004). The citizenship law reform that took effect in 2000, which facilitates the naturalization process and awards German citizenship (under certain conditions) to children born in Germany to foreign parents, will only widen the discrepancy between the 'foreign' and 'migrant' groups in the future. Also of growing concern is the inability to track second- and third-generation descendants of international migrants (Wissenschaftszentrum Berlin 2004: 1-2).

Thus it can be said that criticism of official statistical sources in Germany can be directed at two issues: quantity and quality.

3 Quantitative differences between foreigners, immigrants and persons with a 'migration background'

Münz and Ulrich (2003) and Härle (2004) have attempted to calculate the degree to which the number of foreigners (non-citizens) in Germany correlates with the number of persons who have a 'migrant background' (*Migrationshintergrund*), i.e. first generation migrants and their immediate descendants. Based on their own calculations and using birth abroad as an indicator for migration, Münz and Ulrich (2003: 21) estimated that, in 2001, approximately 13.3 million inhabitants of the Federal Republic (or 16.1 percent of the population) were born outside the country's current borders, whereas only 7.3 million persons (or 8.7% of the population) were registered as foreigners. This suggests that a significant number of migrants acquired German citizenship, thus disappearing from the foreigner statistics. Included among these are approximately 3.2 million ethnic Germans – *Aussiedler* who have entered Germany over the past few decades as well as persons who were displaced during and after the Nazi period (*Vertriebene* and *Umsiedler*) – and approximately 1.3 million legal foreign residents who had become naturalized (Münz and Ulrich 2003: 21-23). From this perspective, taking the number of foreigners to represent the number of migrants leads to an underestimate of the migrant population.

Just as Münz and Ulrich argue that attribution to the German population does not necessarily designate a lack of migration, they also point out the status of being a foreigner does not necessarily mean that a person has migrated. Of the 7.3 million foreigners legally registered in Germany in 2001, approximately 5.7 million were born abroad, and 1.6 million were born in Germany. This means that only 78 percent of Germany's legal foreign-resident population could be considered migrants, whereas the rest could be considered children or grandchildren of migrants, who have remained foreigners themselves due to citizenship laws in force when they were born (Münz and Ulrich 2003: 21).

Combining different administrative records and applying a self-constructed algorithm, Härle (2004) attempted to calculate how many persons contained in the Wiesbaden city residents register (*Einwohnermelderegister*) have a 'migrant background.' Using the citizenship criterion (German/foreign) in combination with place of birth (Germany/abroad) and an algorithm for determining *Aussiedler* status, and applying this combination to individuals and their parents, 77,660 persons (or 28.7 percent of the city's population) were deemed to have a 'migrant background' (Härle 2004: 17). These persons were then placed into two categories: those who have themselves engaged in an act of international migration and their descendents. The first category included first-generation foreign migrants (born abroad with foreign citizenship), *Aussiedler* (special means of identification) and naturalized foreign migrants (born abroad with German citizenship). The second category included second- or third-generation foreign migrants (born in Germany with foreign citizenship), children of *Aussiedler* (special means of identification) and German citizens whose parents have migrated (born in Germany with German citizenship to parents who are foreign citizens and/or were born abroad). An estimated total of 59,232 persons belonged to the first category, with 18,428 being allocated to the second (Härle 2004: 17). In comparison, across all categories, only 47,336 of the persons allocated to either category were foreign citizens. Thus Härle's results confirm those attained by Münz and Ulrich: using the number of foreign citizens as a proxy for the migrant population leads to a significant underestimation of the latter.

As far as drawing conclusions about the integration process is concerned, using the foreign proxy leads to the comparison of heterogeneous units of analysis: both the foreign and German categories contain migrants or people with 'migrant backgrounds.' However, as the following section will show, even if it were possible to equate the foreign with the migrant population, the different modes of inclusion/exclusion available to foreigners would make it difficult to conceive of citizen groupings (e.g. 'Turks', 'Italians', 'Yugoslavs', etc.) as constituting homogeneous units.

4 Qualitative differences: formal citizenship, migrant status, legal status and other factors that influence the integration process

For the sake of this discussion, integration is defined in Brubaker's (2001) terms as the "normative and analytical concern with the nature and extent of emerging similarities in particular domains between populations of immigration origin and 'host' populations" (Brubaker 2001: 534-535; for a similar definition, see Esser 2001: 21). As Esser points out, it is important to emphasize that the term "emerging similarities" does not imply homogenization: as the host society itself is not homogenous with regard to the distribution of particular characteristics and resources, successful integration would mean that this (unequal) distribution displays the same pattern for both the migrant and host society groups (Esser 2001: 21). Furthermore, in keeping with the meaning of integration employed in Germany policy of late, integration is defined here as a two-sided process, involving the individual

migrants and the state. Theoretically speaking, the presumption that the integration of international migrants into a given host society is a two-sided process, involving the individual migrants and the state, points to two processes underlying that integration: the possession, accumulation and mobilization of *human capital* by the individual migrants, and state-guided mechanisms of *inclusion* and *exclusion* that affect the ability of individual migrants to accumulate and mobilize that capital.

If this is the case, the question to be addressed with regard to migrant stock statistics is whether sources are constructed in such a way as to deliver the kind of information that is relevant for evaluating the integration process, i.e. information pertaining to both the human capital of international migrants (human capital) and the modes of inclusion/exclusion that can affect their ability to accumulate and mobilize this capital. Due to the limited space available here, the rest of this paper will focus on the differences in modes of inclusion/exclusion available to international migrants.

The comparison of citizens and non-citizens (or groups of non-citizens against each other) implies an underlying concept of citizenship in which *formal citizenship* in a nation-state can be equated with full *substantive citizenship*, defined as “the possession of a body of civil, political and especially social rights” (Outhwaite and Bottomore 1994). In such a model, it could be argued that a lack of formal membership in a nation-state denotes not only migrant status but the absence of substantive citizenship rights, or means of inclusion. In such a case it would be logical to use information gathered on foreign citizens to evaluate the structural integration of migrants: theoretically, all non-citizens would possess an identical status. Comparisons could then be drawn between different groups of citizens because, all things being equal, differences in structural indicators of integration could be attributable to individual or national group characteristics.

In fact, however, substantive citizenship is determined by a variety of factors, including formal citizenship; migrant status (i.e. whether one is an international migrant or a descendant of such a person, etc.); mode of entry (guest worker, IT specialist, etc.) and legal residence status (limited/unlimited and conditions placed on the individual).

4.1 Formal citizenship

By virtue of international agreements and supranational legislation, being in possession of a particular citizenship can influence the forms of inclusion open to a given migrant. Two examples of this are the Citizenship of the European Union, which is constituted in supranational law, and privileges accorded to the citizens of some states (Turkey, Central and Eastern European states and Switzerland) on the basis of international agreements.

Citizens of EU member states enjoy the right to move and reside freely within the territory of the member states. As far as employment is concerned, EU citizens are to be treated as citizens of the member country in which they reside: they are free to apply for most jobs (with restrictions placed only on fields of occupation that are central to a state’s internal sovereignty), are allowed to remain in the country while searching for work, and are allowed to engage in entrepreneurial activities (Doerfert 2001). Additionally, EU citizens are extended certain civil rights, including to vote in and to stand as a candidate at municipal elections in the member state in which they reside and to vote in elections to the European Parliament (Guild 1996).

In comparison, non-EU citizens do not generally have leave to enter and reside freely within Germany, have unqualified access to the labor market, or the right to political participation, except in the ca-

se of foreigner advisory committees (*Ausländerbeiräte*) and works council and/or union elections (Soysal 1994: 128). European Council Directive 2003/109/EC (to be implemented in member states by January 2006) requires member states to create a single status for long-term resident third-country nationals (TCN). In order to be eligible for long-term resident status, persons must have resided legally in a member state for at least five years and prove that they have stable resources and health insurance (European Union 2005). Once the status is acquired, long-term resident TCNs receive rights more comparable to those of citizens in the member state in which they reside; they also have the right to free movement within the European Union for the purpose of exercising an economic activity (in an employed or self-employed capacity), pursuing studies or vocational training, or for other purposes. While this represents an improvement in the status of TCNs, the directive provides member states with a significant number of loopholes, both in terms of awarding the status and regarding the free movement of long-term resident TCNs.

An agreement between the EU and Turkey accords Turkish citizens, under certain circumstances (e.g. after a certain period of working in an EU state), a residency status similar to that enjoyed by EU citizens (Beauftragte der Bundesregierung für Ausländerfragen 2002: 127). Similarly, an association agreement was concluded with Central and Eastern European states (Poland, the Czech Republic and Bulgaria) that prevents EU member states from discriminating, on the basis of their citizenship, against persons from these countries who wish to be self-employed or establish or run a company in a member state.

These examples point to the continued significance of formal citizenship as an indicator of possible inclusion/exclusion mechanisms, although, as will become clearer in the following sections, it is not always appropriate to assume that individuals who possess the same formal citizenship are equally situated in this respect.

4.2 Mode of entry

The category under which a person is admitted can determine whether or not he/she receives access to special integration programs and measures, as *Aussiedler* do, for example.

Furthermore, a person's mode of entry can determine his/her ability to plan a long-term stay in the country. Since 1991, Jewish migrants from the former Soviet Union can apply to enter Germany and settle permanently: On the other hand, recipients of the German "green card", which was instituted in 2000 as a means of attracting information technology (IT) specialists to the country, limits the recipients' stay to a maximum of five years. Persons admitted as non-IT contract workers (*Werkvertragsarbeitnehmer*) under bilateral agreements between Germany and certain states (Eastern and Central European states, parts of the former Soviet Union, Turkey, etc.) are generally entitled to a stay of no more than two years.

In sum, foreigners residing in Germany who possess the same citizenship do not necessarily have the same access to integration measures or ability to plan a longterm stay in the country. Citizens of Poland or the former Soviet Union may have entered as *Aussiedler*, contract workers, Jewish migrants or IT specialists; citizens of the former Yugoslavia, Turkey, Iraq or other states granted permission to enter Germany may have done so as refugees or asylum seekers (statuses that carry with them a range of privileges and restrictions), as citizens of these countries have formed the largest groups of applicants for refugee or asylum status in recent years (Bundesamt für Migration und Flüchtlinge 2004:

26-28). As the following section will show, further differences between foreigners with the same citizenship exist in terms of the legal status they are accorded once inside the country.

4.3 Legal status

Waldrauch (2001: 152) estimated that the average migrant holds at least three or four limited permits before acquiring – if he/she ever does – either an unlimited residence permit or the unlimited right to settlement. From the time of entry to the (possible) acquisition of the most secure legal status, migrants generally go through a number of steps: the issuance of a limited residence permit, the extension of the first permit or issuance of further limited permits and (if possible and allowed) access to an unlimited residence or settlement permit (Waldrauch 2001: 131). Being in possession of a less stable residence permit – as the majority of foreigners are – can hinder the process of structural inclusion, especially in the labor market. In addition to being restricted in their choice of, or ability to take up, employment, such individuals may be faced with employers who are less willing to invest in training individuals whose future in the country is uncertain.

5 Official statistics in Germany. What is changing and what is being overlooked?

In the face of criticism from researchers in Germany, the question arises as to whether changes to Germany's official statistics are planned and, if so, whether these are far-reaching enough. According to persons I interviewed at the Federal Ministry of the Interior and the Federal Statistical Office, there are no plans in the near future to do away completely with the primary division between foreign and German citizens in official statistics. However, a few relevant changes to the Central Foreigners Register (AZR) and the microcensus will take effect in 2005.

As far as the AZR is concerned, a foreigner's reason for admission (e.g. family reunification, gainful employment, etc.) will now be recorded in the register, in addition to the type of residence permit issued. Furthermore, an individual's status (type of residence permit awarded and purpose of stay) will no longer be overwritten with the new status when a change occurs. Until now, only certain administrative authorities responsible for admission-related decisions kept records (for their own, internal purposes) that served as a basis for calculating the number of persons admitted for certain purposes. Persons who naturalize or who are awarded German citizenship upon arrival will continue to be omitted from the AZR. However, at least among the legally resident foreign population, it will be possible in the future to get information on international migrants' mode of entry and change in status over time.

The microcensus, a micro-level dataset derived from an annual representative survey of one percent of the population in the Federal Republic, will be the first official dataset to capture at least some of the population in Germany with a 'migration background.' Starting in 2005, questions that identify naturalized German citizens (former citizenship and year of naturalization) will appear yearly. Questions that are intended to identify second-generation migrants (citizenship of respondents' parents; if the parents are naturalized German citizens, their former citizenship) will appear every four years. Using these variables, the microcensus will be able to identify the following groups, whereby foreign citizens will continue to serve as a proxy for the migrant population: foreign migrants (non-German citizenship); naturalized migrants (German citizenship, former non-German citizenship); and per-

sons with a migrant background (German citizenship, no other former citizenship, parents currently or former non-German citizens). No question has been added that would specifically identify ethnic German migrants (*Aussiedler*); they may be captured as naturalized migrants, but there will be no means of detecting their mode of entry. According to my interview partners at the BMI, attempts to get a question to identify *Aussiedler* and other questions related to persons with a migration background included on the microcensus were unsuccessful. This was attributed to the fact that questions unrelated to migrants were competing for addition as well, and that the survey form could only contain so many questions lest respondents become overwhelmed. As one interview partner stated, these changes represent the “first step in being able to capture Germans with a migration background at all for the first time [even though it’s] not perfect, of course.”

One issue that remains unaddressed, however, is whether and how generations beyond the second should be identified. How many migrants should be present among four grandparents or eight great grandparents before someone is designated as a third or fourth-generation migrant?

Another model of data collection currently of interest to international experts would have provided a solution to Germany’s problems with migrant stock data, namely a comprehensive, longitudinal immigrant database. In 2001, the Süßmuth Commission recommended the development of a longitudinal database for immigrants, disaggregated according to mode of entry, that provides information about migrants’ length of stay, changes in legal status and exits and returns, and which could be linked with individual-level data on demographic, economic and sociologically relevant topics such as educational attainment, employment status, etc. (Unabhängige Kommission ‘Zuwanderung’ 2001: 293). This recommendation was repeated in 2004 by the Immigration Council (Sachverständigenrat für Zuwanderung und Integration 2004: 424-425)². Such a database would have several advantages. First, it would end the need to put together data from disparate sources. Second, it would remove the uncertainty involved in identifying international migrants by cross-tabulating citizenship and citizenship of parents variables. Each international migrant who is granted a residence permit could simply be added to the database. Finally, it would provide a means of generating comprehensive information on all international migrants that links factors influencing modes of inclusion/exclusion (see section 4) with socio-economic information. However, according to one interview partner at the Ministry of the Interior, the idea of creating a database in which every migrant is identified, which contains personal information on them, and which follows their development over several years, in order to create a data source that is “convincing” and has a “high capacity” for delivering information “will not gain acceptance.” He added that it will always be impossible to meet all of the demands of all data users, and that particular issues will have to be investigated using representative studies.

2 It should be noted that Germany’s privately-run Socio-Economic Panel is a representative, longitudinal data source that can also identify migrants by cross-tabulating citizenship (German/foreign) and place of birth (Germany/abroad) variables. However, it is not possible to disaggregate the data according to residence status or mode of entry. Although participants are asked during their first interview about the residence status they were given upon arrival in Germany, the status is not tracked over time. Dr. Frick pointed out in our interview that respondents may lie about their original status out of fear, especially if they are in a precarious legal position. Continuing to ask about a person’s status would perhaps give respondents the impression that they are being monitored, and that the information collected could be passed on to the state.

6 Conclusion

All of the experts I interviewed pointed to several reasons for the limited nature of the changes being made of official statistics on migrant stocks in Germany. One is a persistent divergence of interests between the providers and users of official statistics. All users, be they government departments with particular agendas or scholars in the field of migration sociology, place different demands on single data sources. The producers of these sources, in turn, are invariably subject to financial restrictions that make it impossible to meet such wide-ranging demands. In Germany, the result of these pressures has been the adaptation of existing sources (the AZR and microcensus) and trusted variables (citizenship) in order to affect changes that even those in charge recognize as being insufficient in the long run. Especially in the absence of source that links together variables that reflect both the modes of inclusion/exclusion available to international migrants (e.g. citizenship, mode of entry, legal residence status) with data related to human capital (educational attainment etc.) and socio-economic variables, it will remain difficult to derive detailed information on the integration process from official sources alone.

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Jennifer Elrick hat 2005 ein Aufbaustudium zum Thema europäische Kultur und Wirtschaft an der Ruhr-Universität Bochum absolviert. Ihre neuste Veröffentlichung ist „Constructing Immigrants: Labor Migrants in Official Statistics in Germany and Canada“ In: Thomas Geisen (Hrsg.) *Arbeitsmigration: WanderarbeiterInnen auf dem Weltmarkt für Arbeitskraft. Beiträge zur Regional- und Migrationsforschung*, Band 5. IKO-Verlag für Interkulturelle Kommunikation: Frankfurt/Main, 2005.

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